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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,657	03/12/2001	Hiroshi Ohmura	Q63461	6598
7590 02/05/2004 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			EXAMINER JACKSON, BLANE J	
			ART UNIT 2685	PAPER NUMBER

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/803,657

Applicant(s)

OHMURA ET AL.

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## RESPONSE TO AMENDMENT

### *Response to Arguments*

1. Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive. However, a rejection follows, due to the amendment of *still image data* and the secondary prior art not fully teaching a communicating device that transmits and receives still image data, of Mack in combination with Alperovich which fully addresses this element in the amended claims. The secondary prior art of the original Office Action cited Erkkila et al. that taught transmitting and receiving still image data indirectly in the discussion column 1, lines 45-67 since the theme of Erkkila was not the transmission of still digital pictures but the management and equipment details of generating the still picture.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-7, 8, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack, II et al. (U.S. Patent 6,510,325) and further in view of Alperovich et al. (U.S. Patent 6,317,609).

As to claims 1 and 8, Mack teaches a portable communication terminal including:

A communicating device that transmits still image data and character data (figure 1a, column 4, line 65 to column 5, line 35, character data being the usual telephone data),

A character inputting device that is capable of inputting a character (figure 1B, column 6, lines 53-60),

An image displaying device that displays a *moving* image according to the moving image data stored in the storage device and a *moving* image captured by the imaging device (a video phone, not a still camera except for a still triggered to photo a potential thief of the radiotelephone discussed above, column 4, lines 30-47),

A character displaying device that displays a character according to the character data stored in the storage device and a character inputted by the character inputting device,

A display control device that controls the displays of the image displaying device and the character displaying device (figure 3b, LCD display for normal telephone character information and an active matrix screen for image view, touchpad (43) for use as a fully configured data terminal in conjunction with the keypad (2) and other functions, column 6, lines 30-60).

Mack does not teach a communication device that stores still image data received by the communicating device and display of a still image according to the still image data stored in the storage device and a still image captured by the imaging device.

Alperovich teaches a system and method for a portable communication terminal (figure 3) to take a still digital image, store the image and display the stored or received still image for selection and transmission to another communications terminal through the internet or landline between mobile switching centers (figure 4, column 4, line 22 to column 5, line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to realize in the equipment of Mack the digital still picture transmission and reception methods of Alperovich to send and receive pictures between two portable radiotelephones for enjoyment or other business applications.

As to claims 4 and 5, Mack teaches a dual screen communications device where the first screen is an inexpensive LCD for the presentation of dark characters on a light background, essentially a black and white contrast as is well known in the art and a second full range graphic active matrix display (column 4, lines 24-42) to show images.

As to claim 6, with reference to claim 1, Mack teaches the display control device makes both the image displaying device and the character displaying device work or makes one of them work and turns off the other one according to a state of the portable communication terminal (figure 7, controller (44) controls activation of functions, column 4, lines 48-56, column 8, lines 38-67).

As to claim 7, Mack teaches the portable communication terminal as set forth in claim 1 has a telephone function (figure 3a, column 6, lines 30-33).

As to claim 9, Mack teaches the portable communication terminal has an electronic camera function that stores the still image data captured by the imaging device in the storage device (figure 1a, camera 7, column 4, lines 25-48 and column 5, lines 2-20, note: secondary reference also teaches a camera – figure 3).

As to claim 14, with reference to claim 6, Mack teaches the display control device operable outputs an image to the image displaying device simultaneously with a character to the character display device (figure 7, the operator controls the activation of functions where display 6 is used to display (character) status, column 4, lines 48-56, column 8, lines 38-67).

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack and Alperovich et al. and further in view of Erkkila et al. (U.S. Patent 6,480,724).

As to claims 10-12, Mack modified does not teach connection to a printer. Erkkila teaches a portable communication terminal, suitable for adaptation to a personal digital assistant mobile communication device and portable computers that takes, stores and displays digital still photographs with a first connecting device (a cable connector) that is mechanically and directly connected to the second connecting device (a second cable connector) through a communication cable to a printer (figure 3, column 2, lines 1-40 and column 4, lines 62 to column 5, line 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Mack and Alperovich with the ability to print images as taught by Erkkila so as to have a viewable copy of the digital image file.

5. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mack, Alperovich et al. and Erkkila et al., as applied to claim 10 above, and further in view of Wilska et al. (U.S. Patent 6,427,078).

As to claim 13, Mack modified does not teach connection to a printer.

Wilska teaches a notebook computer with a radiotelephone and digital camera that takes, stores and displays digital still photographs where the first connecting device (an IR port) is connected to the second connecting device (second IR port on the printer) through short distance wireless communications (figure 3, IR link (12), column 2, lines 57-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Mack and Alperovich and Erkkila with the ability to link the host device with an external printer through a wireless port as taught by <sup>Wilska</sup>Alperovich for the convenience of the user and connection compatibility of known printing systems.

6. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mack and Alperovich et al. and Erkkila et al. as taught in claim 10 above, and further in view of Cariffe et al. (U.S. Patent 6,201,548).

As to claims 15-22, Mack of Mack modified teaches a device to function as a cellular telephone and a data terminal where the data terminal works in conjunction with the keypad, displays and touch pad (column 6, lines 30-60). Mack modified is silent as to a print control device or display adjustment device to vary characteristics of an image or characters displayed on the image displaying device.

Cariffe teaches a typical PC based image processing system that utilizes a digital image source, a digital image processor, display, cursor positioning device, printer and commercially available software. Cariffe teaches a generic graphical interface under mouse control to select and operate various controls and editing routines for performing various imaging functions or print controls including Cut and Crop routines (column 2, lines 34-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to further enhance the combination of Mack, Alperovich and Erkkila with the print controls as taught by Cariffe to provide image editing of the print.

7. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Wilska et al. (U.S. Patent 6,427,078) in view of Cariffe et al. (U.S. Patent 6,201,548).

As to claims 23-28, Wilska teaches a portable communication device including:  
A communicating device that transmits and receives at least image data (figure 2, a notebook computer with a camera and radio telephone, column 3, lines 6-46),

A storage device that temporarily stores the image data received by the communicating device (prior art equates image data collected by the camera as "data collection device" or "data collection", figure 3, column 2, line 66 to column 3, line 21),

*COL 4, Lines 27-31*  
A displaying device that displays an image according to the image data stored in the storage device (column 4, lines 48-64),

A first connecting device connected to a printer (figure 3, Infrared link (12) to connect with peripheral devices such as a printer, column 2, lines 61-65),



An outputting device that outputs the image data to the printer through the first connecting device (I/O controller (5), column 2, lines 57-65).

Wilska does not teach a display control device to display a print area of the image and to print the image within the print area displayed on the displaying device.

Cariffe teaches a typical PC based image processing system that utilizes a digital image source, a digital image processor, display, cursor positioning device, printer and commercially available photo editing software. Cariffe teaches a generic graphical interface under user mouse control to select and operate editing routines for performing various imaging functions including Cut and Crop routines and control functions to save and print an image (figure 3, column 2, lines 34-67).

Since Wilska points out the necessary software needs of the notebook computer include camera functions to record images (column 3, lines 54-65), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the print control software drivers of Wilska with the photo editing methods of Cariffe to edit the image data prior to printing.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 812-9314 for regular communications and (703) 812-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

BJJ

  
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